

IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE DISTRICT OF SOUTH CAROLINA  
ANDERSON DIVISION

Jessie Lee Robinson, ) Civil Action No. 8:04-22863-CMC-BHH  
Plaintiff, )  
vs. ) **REPORT OF MAGISTRATE JUDGE**  
Al Cannon, Jr., K. P. Novak, and )  
NFN Triplett, )  
Defendants. )  
\_\_\_\_\_  
)

The plaintiff brought this action seeking relief pursuant to Title 42, United States Code, Section 1983. On March 31, 2005, defendants Cannon and Novak filed a motion for summary judgment. On April 1, 2005, pursuant to *Roseboro v. Garrison*, 528 F.2d 309 (4th Cir. 1975), an order was mailed to the plaintiff's last known address (Charleston County Detention Center, 3841 Leeds Avenue, North Charleston, SC 29405) advising him of the summary judgment procedure and the possible consequences if he failed to respond adequately. The envelope containing this order was returned to the court as undeliverable as the plaintiff is apparently no longer incarcerated at Charleston County Detention Center.

On April 21, 2005, defendant Triplett filed a motion for summary judgment and/or to dismiss. On April 25, 2005, a *Roseboro* order was again mailed to the defendant at the Charleston County Detention Center. The envelope containing this order was also returned to the court as undeliverable.

On May 9, 2005, counsel for defendants Cannon and Novak filed with the court a copy of the envelope in which they had attempted to serve the plaintiff with their

motion for summary judgment. The envelope was returned to counsel with the notation "out of jail" thereon.

The record reveals that the plaintiff was advised by order dated November 12, 2004, of his responsibility to notify the court *in writing* if his address changed.

Based on the foregoing, it appears the plaintiff no longer wishes to pursue this action. Accordingly, it is recommended that this action be dismissed for lack of prosecution.

s/Bruce H. Hendricks  
United States Magistrate Judge

May 17, 2005

Greenville, South Carolina